

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maxwell Jaffe	Team: Team # 4	CCRB Case #: 201403020	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/25/2014 12:30 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 9/25/2015	EO SOL 9/25/2015	
Date/Time CV Reported Mon, 03/31/2014 1:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/31/2014 1:18 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT2 Peter Duva	03314	915657	WARRSEC
2. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.DT2 Peter Duva	Abuse: Det. Peter Duva searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. Officers	Abuse: Officers searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)

Case Summary

On March 25, 2014, at approximately 12:30 p.m., § 87(2)(b) was at her home, located at § 87(2)(b) in Brooklyn, along with her two sons, § 87(2)(b) and § 87(2)(b). A group of officers from the Brooklyn North Warrant Squad, including Det. Peter Duva, arrived at § 87(2)(b)'s apartment. § 87(2)(b) consented to the officers entering the apartment. § 87(2)(b) alleged that the officers searched her apartment without her consent (**Allegation A and B**) (encl. 4A-4B).

This case was reassigned to Investigator Maxwell Jaffe from Investigator Mercedes Bayon.

Mediation, Civil, and Criminal Histories

- On March 31, 2014, during her initial intake phone call, mediation was presented to § 87(2)(b) and she accepted. § 87(2)(b) was interviewed at the CCRB on April 4, 2014, due to difficulty identifying the subject officer in the complaint. During her interview, mediation was again presented to § 87(2)(b) and again she accepted. On September 18, 2014, mediation was rejected by Det. Duva.
- § 87(2)(a) 160.50, § 87(2)(b)
- A notice of claim inquiry was submitted on February 20, 2015, and will be added to the case file upon its receipt.

Civilian and Officer CCRB Histories

- § 87(2)(b) has filed one previous CCRB complaint, 201010844 (encl. 2A).
- Det. Duva has been a member of the NYPD for 19 years and has 14 CCRB complaints against him, none of which were substantiated. § 87(2)(g)

Potential Issues

§ 87(2)(b)'s son, § 87(2)(b) was a witness to the incident. The CCRB exhausted all contact attempts to § 87(2)(b). To date he has not contacted the CCRB.

Subject Officer Identification

§ 87(2)(b) provided Det. Duva's name to the CCRB during her testimony. § 87(2)(b) stated that Det. Duva wrote down his name for her at the time of the incident. During his testimony, Det. Duva corroborated that he was present for the incident and entered § 87(2)(b)'s apartment. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) did not provide a detailed description of the other officers present aside from Det. Duva, and NYPD documentation could not confirm who else was present.

Officers Not Interviewed

According to the roll call provided from the Brooklyn North Warrant Squad for the date of the incident, Det. Duva, along with Det. Ilund, Det. Rosado, Det. Molnar, and Sgt. Bersch, were initially listed as being assigned to "VFS" for Tour "G". The roll call also shows that Det. Duva, Det. Ilund, Det. Rosado, Det. Molnar, and Sgt. Bersch were reassigned to Tour "A" and were listed under the same module as Det. Farina, who was also reassigned to Tour "A". However, the roll call shows that only Det. Farina was assigned to "VFS" for tour "A", and does not list an assignment for Det. Duva, Det. Ilund, Det. Rosado, Det. Molnar, and Sgt. Bersch (encl. 15A – 15E). A movement log provided from the Brooklyn North

Warrant Squad for the date of the incident showed that Det. Duva and Det. Farina were assigned to the same vehicle and effected an I-Card for an unrelated location at 7:55 a.m. Det. Ilund, Det. Rosado, and Det. Molnar were assigned to a separate vehicle, and are shown to have effected an I-Card at a completely separate location at 6:55 a.m. Sgt. Bersch was not listed on the movement log. The movement log does not indicate that Det. Duva and Det. Farina effected any warrants or I-Cards at the same location as Det. Ilund, Det. Rosado, and Det. Molnar on the date of the incident. Additionally, the movement log does not indicate any officers effecting any warrants or I-Cards at § 87(2)(b) at all (encl. 14A-14B).

§ 87(2)(g)

Findings and Recommendations

Allegations Not Pleaded

- **Abuse – Premises Entered:** § 87(2)(b) stated in her CCRB testimony that she consented to the officers entering her apartment.

Recommendations

Allegation A – Det. Peter Duva searched § 87(2)(b), in Brooklyn.

It is undisputed that there was an active I-Card for Dennis § 87(2)(b) at § 87(2)(b), in Brooklyn and that Det. Peter Duva entered § 87(2)(b)'s apartment with her consent. § 87(2)(g)

§ 87(2)(b) testified that Det. Duva and the unidentified officers searched through her apartment without her consent. § 87(2)(b) stated that when she permitted the officers to enter, the officers immediately walked around the entire apartment looking in all of the rooms. She stated that they looked underneath beds, moved bags, and looked behind numerous objects. § 87(2)(b) stated that she never gave them permission to search the apartment and they never asked if they could search the apartment (encl. 4A-4B).

§ 87(2)(b) § 87(2)(g) the officers looked behind beds and behind televisions. § 87(2)(b) stated that he did not hear the conversation that took place between § 87(2)(b) and Det. Duva before the officers entered the apartment (encl. 7A-7B).

Det. Duva testified that he asked § 87(2)(b) if he could enter the apartment and look around. § 87(2)(b) consented; however, Det. Duva did not recall what she exactly stated. Det. Duva stated that § 87(2)(b) walked him around her apartment and showed him every room, as well as any area where a person could be, such as a closet (encl. 12A-12B).

§ 87(2)(g)

Allegation B – Officers searched § 87(2)(b), in Brooklyn.

According to the testimony of § 87(2)(b) approximately six officers arrived at her apartment and searched the apartment without her consent, including Det. Duva. § 87(2)(b) provided Det. Duva's name to the CCRB and stated that she obtained Det. Duva's name because he wrote it down for her during the incident. § 87(2)(b) and § 87(2)(b) did not provide a detailed physical description of any of the officers aside from Det. Duva. During his CCRB testimony, Det. Duva stated that he was partnered with Det. Richard Farina, who has since retired from the NYPD. Det. Duva could not recall what other

officers he was with at the time of the incident. According to the Roll Call provided from the Brooklyn North Warrant Squad for the date of the incident, Det. Duva and Det. Farina are listed as working on the same tour and assignment, along with three other officers and a sergeant (encl.15A-15E). A movement log provided from the Brooklyn North Warrant Squad also showed that Det. Duva and Det. Farina were working together on the date of the incident regarding an I-Card for an unrelated location. However, they are never documented as effecting any warrants or investigative cards at § 87(2)(b), in Brooklyn. Further, the other officers with the same tour and assignment as Det. Duva and Det. Farina were assigned to a different vehicle and are listed as effecting an I-Card at a separate location than Det. Duva and Det. Farina. There are no officers listed as going to § 87(2)(b), on the movement log (encl. 14A-14B). A photo array was not shown since § 87(2)(b) and § 87(2)(b) were unable to provide a detailed physical description of any of the officers aside from Det. Duva. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date